



General Assembly

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Amendment

LCO No. 9359

SB0134109359HDO

Offered by:

REP. SAYERS, 60th Dist.
REP. O'BRIEN, 24th Dist.
SEN. DEFRONZO, 6th Dist.
REP. ZALASKI, 81st Dist.
REP. MAZUREK, 80th Dist.

REP. ARESIMOWICZ, 30th Dist.
REP. GERAGOSIAN, 25th Dist.
REP. TERCYAK, 26th Dist.
REP. BOUKUS, 22nd Dist.

To: Subst. Senate Bill No. 1341

File No. 352

Cal. No. 679

**"AN ACT CONCERNING APPLICATION FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY AND PROTECTING
PUBLIC WATER SUPPLIES FROM CONTAMINATION."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (*Effective from passage*) (a) Notwithstanding any provision
4 of chapter 474 of the general statutes or the regulations of Connecticut
5 state agencies, the city of New Britain may change the use of its water
6 company owned class I and class II lands to allow for the lease of
7 approximately 131.4 acres, more specifically described as 0 Biddle Pass
8 in the town of Plainville, provided such lease is part of a contract to
9 which the city of New Britain is a party and the contract includes
10 provisions to accomplish the following:

11 (1) The lease and subsequent use of such land effectuates an

12 increase in the future safe yield of a pure and adequate supply of
13 drinking water for the city of New Britain and the surrounding area
14 served by the city.

15 (2) By the conclusion of the lease, the person or entity to which such
16 land is leased prepares the site for a public drinking water reservoir
17 that is capable of supplying an adequate safe yield of public drinking
18 water consistent with the most recently approved water supply plan,
19 and the surrounding land for reforestation, including the planting of a
20 sufficient number of trees on the portions of the site that are not to be
21 used as a public drinking water reservoir in order to facilitate
22 reforestation.

23 (3) The extraction of stone or other material from such land or any
24 adjacent land is a sufficient distance from residential homes as to
25 prevent unreasonable disruption of residential use.

26 (4) Such lease is for a term of forty years or less.

27 (5) Any conveyance of land immediately adjacent to the 131.4 acres,
28 more specifically described as 0 Biddle Pass in the town of Plainville,
29 shall contain appropriate deed restrictions sufficient to maintain a
30 forested buffer of not less than 1000 feet measured from the quarry
31 zone line.

32 (b) The contract authorized by subsection (a) of this section shall not
33 be executed by the city of New Britain until the following have
34 occurred:

35 (1) An environmental evaluation has been conducted by an
36 independent third party approved by the Department of Public Health
37 for the purpose of evaluating the potential impact on the purity and
38 adequacy of the existing and future public water supply, and the
39 Department of Public Health has reviewed such evaluation for the
40 purpose of providing the New Britain Water Department with
41 guidance concerning the suitability of the best management practices
42 identified in the environmental evaluation for the protection of the

43 public water supply and the public health. Such evaluation shall
44 include, but not be limited to, an analysis of the (A) likely
45 environmental impacts of such change of use on local hydrology,
46 forest ecology and wetlands systems; (B) long term water supply needs
47 for the city of New Britain as well as interconnected and reasonably
48 feasibly interconnected water companies in the general geographic
49 region surrounding the areas supplied by the city of New Britain's
50 water reservoir system; (C) likely safe yield increase to the city of New
51 Britain's water reservoir system that could be supplied by such change
52 of use; (D) impact on raw reservoir water quality that is likely to occur
53 from such change of use; (E) procedures and steps that are available to
54 minimize environmental impacts from the proposed change of use,
55 including offsets attributed to the conveyance of land immediately
56 adjacent to the 131.4 acres, more specifically described as 0 Biddle Pass
57 in the town of Plainville; and (F) a summary conclusion comparing the
58 environmental impacts as well as potential water supply benefits from
59 such change of use.

60 (2) The Departments of Environmental Protection and Public Utility
61 Control have had ninety days from the date of completion of the
62 environmental evaluation to provide comments on such evaluation to
63 the Department of Public Health.

64 (3) The city of New Britain has demonstrated to the Department of
65 Public Health through the environmental evaluation conducted in
66 accordance with subdivision (1) of this subsection that such lease will
67 not have a significant adverse impact upon the present and future
68 purity and adequacy of the public drinking water supply and will
69 provide for an additional source of water consistent with the water
70 supply plan of the city of New Britain and projected future water
71 supply needs of the region served by said city, and the Department of
72 Public Health has approved the provisions in the lease relating to said
73 department's jurisdiction over and duties concerning water supplies,
74 water companies and operators of water treatment plants and water
75 distribution systems.

76 (4) The Commissioner of Public Health has held a public hearing to
77 solicit public comment on the environmental evaluation conducted in
78 accordance with subdivision (1) of this subsection not later than fifteen
79 calendar days after receiving the environmental evaluation. Said
80 commissioner shall give at least fifteen days' notice by publication in
81 the Connecticut Law Journal of its intended action and shall accept
82 public comments for not less than fifteen days after the conclusion of
83 the public hearing.

84 (5) The mayor of the city of New Britain has proposed said lease and
85 contract to the Common Council of said city.

86 (A) No later than thirty days prior to the submission of such lease
87 and contract proposal to the Common Council, the mayor of the city of
88 New Britain has conducted a public hearing at which said mayor hears
89 the opinion of any person wishing to speak on the merits of the
90 proposed lease and contract. No later than thirty days prior to said
91 hearing, said mayor has caused a notice of such hearing to be
92 published in a newspaper of general distribution in the city of New
93 Britain and mailed notice to all persons residing within one mile of any
94 part of the land to be conveyed. Said public hearing shall be held in the
95 city of New Britain at a location within one mile of any part of the land
96 to be conveyed.

97 (B) After such public hearing said mayor shall recommend to the
98 Common Council of said city approval or disapproval of the lease and
99 contract.

100 (C) Said mayor has submitted the lease and contract proposal to the
101 legislative bodies of the city of New Britain and the town of Plainville,
102 the inland wetland commissions of the city of New Britain and the
103 town of Plainville, the City Plan Commission of the city of New Britain
104 and the Planning and Zoning Commission of the town of Plainville.

105 (6) All appropriate authorities in the town of Plainville have
106 approved the proposed use of said land.

107 (7) The inland wetland commission and the City Plan Commission
108 of the city of New Britain have conducted a public hearing in
109 accordance with procedures applicable in said city after receiving the
110 proposal of the mayor of the city of New Britain in accordance with
111 subdivision (5) of this subsection, and has voted to approve or reject
112 the proposal of the mayor of New Britain within sixty days after
113 receiving it.

114 (8) The Common Council of the city of New Britain has approved
115 the proposal of the mayor of the city of New Britain which was
116 submitted in accordance with subdivision (5) of this subsection,
117 including the lease and contract contained in such proposal. Said
118 Common Council shall not consider such proposal until the inland
119 wetland commission and the City Plan Commission of the city have
120 approved such proposal in accordance with subdivision (7) of this
121 subsection, and shall not approve said lease and contract after April 1,
122 2008."